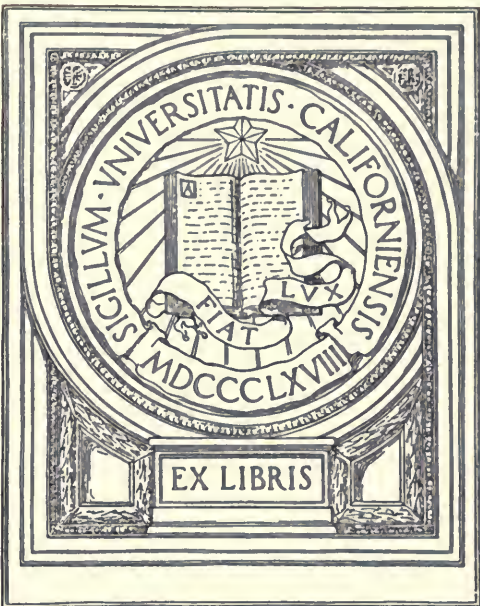


JS  
626  
S6

UC-NRLF



QC 180 659



EX LIBRIS







Wm Carey

# BACK TO THE TOWN MEETING

Brookline's Solution of the Problem  
of Municipal Government

BY ARTHUR W. SPENCER  
*Editor Brookline Chronicle*

LIBRARY OF  
CALIFORNIA

---

REPRINTED FROM  
GOVERNMENT MAGAZINE  
January, 1908

JS626  
56

70 VNU  
ALBONLIAO



## GOVERNMENT

## BACK TO THE TOWN MEETING

*Brookline's Solution of the Problem of Municipal Government*

**F**OR the reason that the town of Brookline, Massachusetts, occupies a unique position in municipal affairs, outsiders frequently show some curiosity regarding the manner in which it is solving the problem of local government that is engrossing attention throughout the nation at this time.

Often the question is asked, "How long will Brookline, with its rapid growth from year to year, be able to get along with its present form of government?" To this there are different replies forthcoming. The writer's answer would be, "Indefinitely," but he does not wish to convey the idea that he is speaking for his fellow citizens or that the subject is one which has not elicited, and will not continue to arouse, considerable debate. He is sure, however, that most of his fellow citizens are of the opinion that the town form of government will be found satisfactory for many years to come. They will not accept as truth the opinion of Mr. Charles Francis Adams, whose knowledge of conditions in Quincy, before that Massachusetts community became a city, prompted him to write:

"Just in the degree in which civic population increases . . . the town meeting becomes unwieldy and unreliable; until at last it has to be laid aside as something which the community has outgrown. It becomes a relic, though always an interesting one, of a simpler and possibly better past. Moreover, the indications that the system is breaking down are always the same. The meetings become numerous, noisy, and unable to dispose of business. Disputed questions cannot be decided; demagogues obtain control; the more intelligent cease to attend." (Three Episodes of Massachusetts History, II, 967.)

These observations applied to Quincy are not accurate in the case of Brookline. The opposite of nearly every statement would more faithfully describe the actual conditions. In the degree in which Brookline's population has increased, the town meeting might almost be said to have grown less unwieldy. It is not more numerous, but has a smaller attendance. Instead of being noisy, it is marked by quiet, orderly procedure, and on the whole by swift and expeditious methods of handling business. Demagogism is entirely absent, the proceedings being conducted in a dignified manner, and the more intelligent citizens exercising a predominant influence in the deliberations. So that the example of the town of Brookline, instead of sup-

porting Mr. Adams's contention, affords the strongest possible proof of the continued vitality of the town meeting amid conditions of population absolutely the reverse of those among which the institution grew up.

The fact that Brookline, with a population larger than that of half the cities in the United States, has succeeded thus far in getting along with the New England town meeting without difficulty, and finds it fully adapted to its present requirements, counts for a great deal. If the town meeting is entirely suited to a community with a population now estimated at over twenty-five thousand five hundred, and with six times the number of registered voters which it is physically possible to assemble in the town hall, then it is evident that an evolution in the town meeting has taken place. It has undergone an adaptation rendering it applicable not simply to villages or townships, but to the larger units of municipal organization. That being the case, one is prompted to ask why this evolution cannot be continued still further, so that the town meeting can be adapted to cities of almost any size.

The town meeting, as a primary assembly of all the voters convened for the transaction of municipal business, is of course an impossibility when the population exceeds certain limits, but in such cases the town meeting may be retained in a modified form, for the reason that its essential features, a voice and a vote for every citizen, need not be sacrificed. The purpose of this article is to show, taking the town of Brookline as an illustration, that these essential features can be retained under any conditions. Our large cities, instead of being forced to choose between the costly system of government by aldermanic councils and the less popular and practicable Des Moines or Galveston plan, can still find a way to avail themselves of the advantages of that method of direct popular government which the settlers of New England established two or three centuries ago.

Until the spring of 1902, the town of Brookline in its form of government did not essentially differ from the typical New England town, and it now differs from it in only one important respect. The town meeting held November 9, 1899, was larger than the town hall could accommodate, on account of an exceptional degree of public interest in a certain street-widening project. This experience showed the serious danger of a great number of citizens being deprived of their voice in local affairs. A committee of twenty-five leading citizens was therefore appointed to consider whether any changes in Brookline's form of government were necessary or desirable.

This committee considered the question before it with great care, in November 1900, and made an able report. The majority of the members were of the opinion that no abandonment of the form of government then in force, in favor of a representative form of government of any kind, was necessary or expedient. They said:



“Under the town system every voter is privileged to attend a town meeting, and by voice and vote advocate or oppose any measure of public concern which has been properly brought before the town for action. The town officials, while each has certain prerogatives, are responsible directly to the town, and their duties and responsibilities are clearly defined by existing law.

“Each voter is the equal of his neighbor, and the possibility of undue political or other influences as affecting the public welfare is avoided. We believe that this system is still workable and can be maintained in the town of Brookline for some time to come.”

If the system was still workable in 1900, it is still workable now, for conditions have not perceptibly changed.

The committee did, however, suggest a slight change which did not essentially alter the institution known as the town meeting in any way. They recommended the adoption of a remedial measure designed to overcome the evil arising from the place of assembly not being large enough to hold all who might choose to come to the town meeting. This measure, which was subsequently passed by act of the Legislature (St. 1901, chap. 201, accepted by the town March 26, 1901), provides that any vote passed at a town meeting to which seven hundred or more legal voters shall have been admitted, shall upon petition of one hundred legal voters be submitted to the citizens for ratification at the polls. This makes it impossible for those specially interested in the passage of a vote from which their section of the town or they themselves as individuals might profit, to fill the town hall to overflowing and in that manner commit the town to some action which would not represent the attitude of the community at large.

Hence Brookline now has the typical New England town meeting with the addition of a referendum feature which simply increases the voting capacity of the town meeting beyond the physical limitations of the assembly hall. In reality, therefore, the town meeting has been modified into something larger, for it has expanded beyond the size of the town hall. While a large proportion of citizens may be deprived of the right to express their opinions in a deliberative body, they can vote on all public questions, and find themselves in a much better situation than previously, when there was always the risk of their being disfranchised by overcrowding and of the degradation of the town meeting into an undemocratic and unrepresentative body.

The adoption of the referendum provision just described marks a new stage in the development of the town meeting, nay, means more than that, for it signifies the initial step in the adaptation of the town meeting to large populations. The adoption of this provision, however, has not overcome all the dangers with which the town of Brook-

line has found itself face to face of late years, and for this reason some Brookline citizens think that some form of representative government will have to be resorted to before many years have passed. The success of the modification already introduced, however, may perhaps serve to illustrate the needlessness of radical measures. What has already been done suggests more to be undertaken in the same direction.

When the referendum provision was adopted it was not realized that the danger of overcrowding and the resulting disfranchisement was not more real, though it perhaps seemed more formidable, than another danger. The risk attendant upon the commission of weighty business into the hands of a small assemblage made up of self-appointed legislators was not perceived with sufficient clearness by the committee of twenty-five in 1900, except by one member. Brookline town meetings are not usually attended by more than two hundred voters, and frequently by not more than sixty or seventy. Fears which grow more grave from year to year are entertained with regard to the fate of important measures at the hands of such a body, which is as unlike the town meeting of earlier days as a meeting could possibly be, and cannot be supposed to give accurate expression to public opinion. The rules of the town meeting require the selectmen to include in the articles of the warrant whatever matters may be petitioned for, and misgivings are increasing with regard to the possible insertion of trivial matters which may be rushed through by an irresponsible minority, inflicting upon their fellow citizens the burden of excessive expenditures and needless litigation. For such an abuse of the privileges of citizenship there is absolutely no redress. For while the referendum provision has remedied the abuse of power by an overcrowded assembly, it takes no notice of votes passed at meetings which are not at all crowded, yet which are just as certainly packed and unrepresentative.

No doubt it is possible for a board of selectmen, by personal influence and wise advice, to do much to dissuade citizens from securing the insertion in the warrant of matters which ought not to be presented before the town meeting, but such a board is powerless in serious emergencies. The practice of referring some questions to committees appointed by the Moderator, to be investigated and reported upon at a subsequent town meeting, results in averting premature and ill-considered action with respect to matters that a town meeting is not fitted to grapple with, but it is not always certain that voters will content themselves with that method of disposing of the business before them. The only possible method by which the danger arising from the few legislating for the many can at present be completely overcome, is by arousing public spirit to that point which renders it impossible for a town meeting to take any action that could not be construed as



an expression of the attitude of the community at large. The application of this remedy presupposes the existence of a public sentiment of unceasing vigilance, and every one at all familiar with conditions in the town of Brookline knows that its citizens, with the multifarious interests that engage their attention, and with a local administration the very efficiency of which tends to relieve them of responsibility, cannot be expected to be more keenly watchful and alert with respect to municipal affairs than would be natural to other men under similar circumstances in any other part of the world.

The only way by which serious evils, that every day are more to be dreaded, can be averted is by a slight further modification of Brookline's form of government. Citizens must be protected against that kind of a town meeting which in reality is not a town meeting at all, but an irresponsible or unscrupulous minority. This protection is to be secured by two means, through a further application of the referendum principle, and through an increase in the power and responsibility of the board of selectmen.

Suppose a town meeting to be held on a stormy night, only twenty-five voters being present. An appropriation of a large sum is before the meeting, and the selectmen have reported adversely. If the appropriation is voted in the legal manner there is no chance for redress. Obviously it is just as desirable that there should be some way in which such a vote could be referred to the voters at large, as it would be had the meeting been attended by seven hundred voters who filled the hall and made it impossible for hundreds more to gain entrance. Hence provision is needed for the submission of votes regardless of the attendance.

This fact was recognized in a minority report made by one of the committee of twenty-five in 1900, and it can readily be surmised that a large proportion of that committee would have favored the extension of the referendum provision to town meetings attended by less than seven hundred voters, had they not feared that havoc would ensue in the disposition of municipal business, owing to the impossibility of telling whether a matter had been finally disposed of in town meeting or would have to be reconsidered, and owing to the danger that the referendum might be resorted to with unnecessary frequency, for reasons which would often be of the most nugatory and troublesome character.

Certain restrictions, however, can be placed upon the use of the referendum which can prevent it from becoming a source of mischief. Among the restrictions possible may be mentioned, first, the adoption of a legal quorum. For example, were the town to pass a by-law fixing one hundred as the minimum number of voters whose acts would not be subject to review by means of the referendum, the referen-

dum would be restricted in scope to votes passed at town meetings of exceptionally small attendance. Secondly, as was recommended in the minority report of the committee of twenty-five, a certain sum of money might be fixed as the maximum amount of any appropriation which might not afterward have to be referred to the voters at large. The adoption of one or both of these restrictions would be beneficial. It is believed, however, that there is a better way of supplying the voters of the community with the obvious advantages of the referendum, without the likelihood of its being inflicted upon them on uncalled for occasions. The writer's plan is this—to provide that every vote of the town meeting which the board of selectmen has not itself recommended, or which it disapproves, shall always, as a matter of course, without petition, be put before the citizens at large for ratification or rejection at the polls, and that no other vote of a town meeting attended by less than seven hundred voters shall be subject to the referendum.

The board of selectmen is now required by a town by-law to report in print on the subject of every appropriation in excess of one thousand dollars asked for at a town meeting. No radical step would be involved in an enlargement of the duties of the selectmen in such a manner as to oblige them to report upon every proposition of every description brought before the town meeting. In Brookline it is not difficult to get a good type of citizen to serve upon this board, and the position is generally regarded as one of honor and responsibility. It is certain, therefore, that if this board were required to pass upon every question before it was submitted to the town, it would act in a public-spirited and disinterested manner, and if its conclusions were adopted by a town meeting, it would not matter how small the attendance might be; the votes of a dozen citizens at a slimly attended town meeting, were they in harmony with the selectmen's recommendations, would be accepted by the community at large, in all save very exceptional and rare cases, as a faithful expression of public opinion. And if so small a number of voters made a slight amendment in the vote which the selectmen had recommended for passage, and that amendment were afterward approved by the selectmen, there would be no occasion for resorting to the referendum. The same holds true with five hundred citizens attending town meeting in a place, let us say, ten times the size of Brookline. If the acts of such a gathering are in harmony with the recommendations of an able and disinterested administrative board, it is difficult to see what mistake can be made in adopting them as final.

On the contrary, when a town meeting votes to reject a recommendation made by its board of selectmen, entrusted in the manner above indicated with the duty of giving most careful consideration



to every matter in advance of the time for holding the town meeting, or when it makes an amendment to a vote that is recommended and that amendment is not subsequently approved by the selectmen, then it is fitting that the vote of the town meeting be submitted to the voters at large at the polls. Under such circumstances, the referendum could not come into play too frequently or for trivial causes.

Under such a system, it may be observed, the voters at large are practically omnipotent, as they ought to be. Their power is not limited by the action either of the selectmen or of the town meeting, separately considered, as the acts of the town meeting are not final without the support and agreement of the selectmen, neither are those of the selectmen final unless they are approved by the town meeting. The only limitation on the powers of the voters at large, if it is to be considered a limitation at all, arises from the possibility of concurrent action of the town meeting and selectmen in a manner unacceptable to the electorate. But because both the town meeting and the board of selectmen provide so effectual a check upon each other, it is practically impossible for such a situation ever to arise.

In this way, without radical action, the town meeting can be retained in Brookline for an indefinite period, simply by the adoption of a slight modification which amounts simply to an expansion of the town meeting itself to keep abreast with growth of population. The town may grow to be ten times its present size, yet its business can still be transacted virtually as at present. Its board of selectmen need not be supplanted by other officers, but can continue to exercise its present functions, with the exception perhaps of those of surveyors of highways, which do not belong to the selectmen proper and might be placed in the hands of other officers to enable the selectmen to give their whole attention to matters of administration and finance. As the town's administrative board, the selectmen can still pass upon every question before it comes before the voters, and the latter can still retain both a voice and a vote in the town government. They can go to the town hall to town meetings as heretofore, and the experience of the town in recent years shows that only on very extraordinary occasions will an enormous number of voters care to avail themselves of that privilege. The increased responsibility of the board of selectmen, together with the increasing amount of attention given by the citizens to outside interests and private concerns in a community the parochial aspects of which are fast disappearing, will combine, probably, to make the percentage of the population attending town meeting grow smaller and smaller. But the citizens will continue to exercise the privilege of direct control, for every question on which the town meeting has rejected the recommendations of the selectmen, or on which the selectmen have failed to concur with the action of the town meeting, must

be referred to the voters at the polls within a specified time. Such a procedure will be automatic, notice always being given by the selectmen within, say, ten days after a town meeting, of their intention to call another town meeting for the purpose of taking a vote by ballot on the matters in which they have been unable to concur.

One objection to such a plan might be thought to be the too frequent referring of municipal business to the citizens, resulting in expense, annoyance, and delay. This objection, however, is readily overcome. Not counting the municipal election in the spring and the State election in the autumn, there are as a rule only three town meetings held in Brookline each year. There is the adjournment of the annual meeting, held late in March, there is usually a town meeting in May, and there is usually one at the end of January. An additional meeting has been the exception in late years. Consequently, when we remember that the business of the January meeting would naturally come up at the March election, were there anything to be balloted on then under the referendum, there are ordinarily only two other occasions on which the citizens would be apt to be called out; and in actual practice, it would probably be found, frequently, that the voters would be called out not more than once oftener a year, in addition to the two occasions on which they are now summoned to the polls to elect their town and State officials.

Another objection, that the execution of such a plan will tend, in future, to deprive the Brookline citizen of his right to join in a deliberative assembly, turns out to be not serious. The experience of recent years shows that the number of those who care to enter into debate in town meeting is small, and is made up of much the same persons, many of whom hold some municipal office. The casual speaker, the man who addresses the town meeting for the first time from the midst of the assembly, the obscure citizen who suddenly asserts his personality, the prominent man who after a silence of months, or years, takes it into his head to talk to his fellow citizens on some engrossing question, are not characteristic phenomena of the town meeting, as might be supposed. On the contrary, the deliberations engage the attention, for the most part, of men who hold or have held important local offices, and feel justifiably confident in the value of their suggestions, on account of their familiarity with local affairs and detailed knowledge of the subjects. However, the doors of the town hall are open to all registered voters, so that no one is deprived of his voice in the town meeting who chooses to make himself heard, unless the attendance is so large that he cannot gain entrance. Herein lies the danger, in adapting the town meeting to the wants of a large population, namely, that those who wish to speak may possibly be unable to get into a crowded assembly. But in practice crowding is rare; only once in the history of the



town of Brookline has the town hall been packed to overflowing, and with a population ten times the present one overcrowding is apt to be infrequent. Loss of the right to engage in the functions of a deliberative body is offset, too, by the opportunity for a full discussion of municipal matters in the public prints and at mass meetings between the times set for the town meeting and the popular ballot on referred matters.

The tendency of the times, in legislative bodies, has been toward the substitution of committee work for open debate, and the town meeting in Brookline has shown the working of this tendency. Frequently, realizing its inability to cope with a novel or complicated problem, the town meeting refers a subject to a special committee for investigation, or postpones it to the next annual meeting, where it will come before the Citizens' Committee. Such a procedure insures more careful and thorough treatment at the hands of more skilful men, and has obvious advantages over the style of debate which characterizes town meeting in typical country towns. Such a procedure is, in fact, essential to conservatism and stability in a place like Brookline, the wealth and population of which render any other procedure likely to result in disaster. Consequently, the Citizens' Committee of Thirty, which is appointed at the annual town meeting in every March, and is organized into sub-committees for detailed investigation of all expenditures estimated for the coming year, has become a fixed institution. As the town grows, the functions of this committee will have to be discharged not simply at the March meeting, but during a greater part of the year. The committee will either have to be made permanent, or its duties will have to be transferred in whole or in part to a strengthened administrative board. The strengthening of the board of selectmen, so as to make its control over every municipal department absolute, and to constitute it an expert body capable of dealing with the most difficult questions, with time and money enough at its disposal to make itself of immeasurable value, would help Brookline to meet satisfactorily the problem of a vastly increased population. It may be some time, however, before any change of this nature will be actually required.

The foregoing plan may be accepted as that solution of the problem of municipal government which the experience of Brookline might suggest. The plan is workable in a place of two hundred and fifty thousand population, and is superior to government by commission, because citizens exercise direct supervision over the acts of the administrative officers and enjoy the priceless advantages of direct legislation and the referendum. It is superior to any plan for representative government for the simple reason that it gives every voter his right of personal participation in the government. It is economical, because

it retains all the simple features of the old New England town in a form substantially unaltered. It combines many of the advantages of government by commission, which has been tried with apparent success by several enterprising American cities, and of that steady, conservative control that English municipal boards have often exercised, with a democratic form of government. Let no town feel that it can outgrow the town meeting. Let every city which is perplexed by the problem of improving its government seek to utilize as much as it can of everything in the town meeting that is in any way adaptable to its conditions. To return to the town meeting will mean a renewal of the vigor and vitality of its institutions.

## "The Conservative Party"

By Ralph Waldo Emerson

The Conservative Party in the universe concedes that the Radical would talk sufficiently to the purpose, if we were still in the Garden of Eden; he legislates for man as he ought to be; his theory is right, but he makes no allowance for friction; and this omission makes his whole doctrine false. The Idealist retorts, that the Conservative falls into a far more noxious error in the other extreme. The Conservative assumes sickness as a necessary fact, and his social frame is a hospital, his total legislation is for the present distress, a universe in slippers and flannels, with bib and pap spoon, swallowing pills and herb-tea. Sickness gets organized as well as health, the vice as well as the virtue. Now that a vicious system of trade has existed so long, it has stereotyped itself in the human generation, and misers are born. And now that sickness has got such a foothold, leprosy has grown cunning, has got into the ballot-box; the lepers outvote the clean; society has resolved itself into a Hospital Committee, and all its laws are quarantine. If any man resist and set up a foolish hope he has entertained as good against the general despair, society frowns on him, shuts him out of all her opportunities, her granaries, her refectories, her water and bread, and will serve him a sergon's turn:

"Ashes to ashes, dust to dust,  
Here's the hole, and in thou must."







Gaylamount  
Pamphlet  
Binder  
Gaylord Bros., Inc.  
Stockton, Calif.  
T. M. Reg. U. S. Pat. Off.

M17646

JS 626  
56

THE UNIVERSITY OF CALIFORNIA LIBRARY

